

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANILO BARO,

Plaintiff,

v.

CASE NO. 2:10-CV-14241
HONORABLE VICTORIA A. ROBERTS

SIX UNKNOWN NAMED AGENTS, et al.,

Defendants.

OPINION AND ORDER OF DISMISSAL

The Court has before it Plaintiff Danilo Baro's *pro se* civil rights complaint brought pursuant to *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971). Plaintiff is a federal prisoner confined at the Big Spring Correctional Institution in Big Spring, Texas. At the time he submitted the complaint, Plaintiff did not pay the required \$350.00 filing fee, nor did he submit a proper application to proceed without prepayment of the filing fee. *See* 28 U.S.C. § 1915(a)(2); *McGore v. Wrigglesworth*, 114 F.3d 601, 605 (6th Cir. 1997). Consequently, the Court issued a deficiency order requiring Plaintiff to either pay the filing fee or submit a properly completed *in forma pauperis* application within 30 days – by November 29, 2010. The order provided that if Plaintiff did not submit either the fee or the application within that time, his case would be dismissed. Plaintiff has failed to correct the deficiency within the allotted time for doing so.

Accordingly, the Court **DISMISSES WITHOUT PREJUDICE** the civil rights complaint.¹ This case is closed.

IT IS SO ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: December 10, 2010

The undersigned certifies that a copy of this document was served on the attorneys of record and Danilo Baro by electronic means or U.S. Mail on December 10, 2010.

s/Carol A. Pinegar
Deputy Clerk

¹The Court notes that the complaint was not signed by the named plaintiff and the proof of service was signed by another inmate named Young Yil Jo. There is thus some question as to the authenticity of the complaint and whether the named plaintiff intended to pursue this action. Young Yil Jo is a frequent filer of frivolous lawsuits, many of which have been improperly filed on behalf of other inmates. *See* United States Party/Case Index, <http://pacer.uspci.uscourts.gov> (Nov. 29, 2010); *see also Hernandez v. Six Unknown Named Agents, et al.*, No. 1:10-CV-00372-LY (W.D. Tex. June 1, 2010); *In re Jo*, No. 1:10-CV-390 (N.D. Ill. Jan. 20, 2010). The Court need not resolve this issue, however, as the complaint is being dismissed without prejudice and without imposition of the filing fee.